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DEPT. OF TRANSPORTATION
DOCKETS

Dockets Management System
U.S. Department of Transportation
Room PL-401
400 Seventh Street, S.W.
Washington DC 20590-0001

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Re: Comments for RSPA-04-17167 - 4

Union Gap Irrigation District requests regulatory flexibility for the revised CFR 173.226 that mandates materials poisonous by inhalation be transported in seamless cylinders conforming to 173.40.

Union Gap Irrigation District serves approximately 5000 acres in the Yakima Valley of central Washington State. This area is in a rain shelter and it consequently receives only six to seven inches of precipitation per year. The Bureau of Reclamation maintains five reservoirs for multifunction uses. The original, and most important to agriculture, is irrigation. The valley is one of the most diverse and the most productive of numerous specialty crops (mint, dill, hops, wine grapes) as well as traditional crops (corn, wheat, hay, cattle, dairy, tree-fruits). None of this would exist without adequate irrigation and irrigation cannot be continuous without the control of submerged filamentous algae and milfoil. Magnacide H herbicide is applied starting in mid-May and ending in late September to control the growth of algae and milfoil. If this growth is not contained, the canal's carrying capacity is reduced to the point growers on the end of the canal receive no water or all are prorated to an amount resulting in crop loss in either quality and/or quantity. The current economic climate in agriculture does not lend to increased costs or losses in income. Magnacide H is the most efficacious of the materials available for control of aquatic weeds in canals. We certainly would not spend ten percent of our entire budget on such a product if it were not absolutely necessary; nor if results were questionable.

Baker Petrolite is the only company with a pesticide registration for acrolein as an aquatic pesticide with the EPA. Baker has shipped acrolein in 4BW240 cylinders made of carbon steel. These are low in profile (have a low center of gravity) leading to a stable load in the small trailer UGID uses to transport tanks and application equipment to the three sites for injection into the canal. These cylinders are the perfect size for this canal in terms of ease of transportation and the appropriate quantity of material to perform one application. The height allows for ease of connections of application apparatus during set-up and it allows visual inspection below face level for leaks of acrolein. It is my understanding the new specification 3B cylinder of comparable volume would add to our cost considerably in addition to requiring a raised platform to attach application equipment. The increase in height may lend to a less stable vehicle.

Another topic of concern is the removal of the pressure relief device used by Baker Petrolite. It is my feeling a relief of over-pressure followed by a resealing is greatly favorable over a total vessel rupture.

Union Gap Irrigation District requests regulatory flexibility from the recently revised 49 CFR 173.226 (a) as well as other provisions within 49 CFR 173.40. Baker informs Magnacide H has been shipped many years in 4BW240 cylinders without incident of damage to property or person. It is my opinion we could not function today without the availability of acrolein. I believe it would increase hazard if we were to maneuver a large skid on our small canal as well as hauling a complete season's supply to each application site during the course of the season. Irrigated agriculture depends on acrolein to get water delivered to the farm. I sincerely hope changes will not be made which would eliminate the availability to those of us endeavoring to supply a dependable water source to our farmers. We hope the solution is our continued safe handling of our present condition.

Sincerely,

A handwritten signature in cursive script, appearing to read "Fred E. Bower".

Fred E. Bower, Manager
Union Gap Irrigation Dist.
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Wapato WA 98951
(509) 930-5407